

Serial No. 10/007,021
60137-158; 270-3038-U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Welty
Serial No.: 10/007,021
Filed: 11/05/2001
Group Art Unit: 1775
Examiner: Piziali, Andrew T.
Title: COATED ARTICLE

RECEIVED
CENTRAL FAX CENTER
JAN 18 2006

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This appeal brief is responsive to the Notification of Non-Compliant Appeal Brief mailed on January 11, 2006. Subsequent to the filing of the Notice of Appeal on February 18, 2005, Appellant hereby submits its brief. No additional fees are seen to be required as Applicant previously paid the Appeal Brief fee on April 1, 2005. If any additional fees are due, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C. for any additional fees or credit the account for any overpayment.

REAL PARTY IN INTEREST

The real party in interest is Vapor Technologies, Inc., the assignee of the entire right and interest in this Application.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 22-53 stand finally rejected under 103(a), and Claims 1-21 have been cancelled.

Serial No. 10/007,021
60137-158; 270-3038-U

CLOSING

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Appellant respectfully requests such an action.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

Karin Butchko

Karin H. Butchko
Registration No. 45,864
Attorney for Appellant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: January 18, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this appeal brief is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on January 18, 2006.

Amy M. Spaulding
Amy M. Spaulding